

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RONALD SHELTON, )  
 )  
 Plaintiff, ) 3 0 8 0 4 1 6  
 )  
 v. ) No. 3:08mc0058  
 ) Judge Trauger  
 TENNESSEE DEPARTMENT OF )  
 CORRECTION, ET AL., )  
 )  
 Defendants. )

**ORDER**

The Court has before it a *pro se* prisoner complaint brought under 42 U.S.C. § 1983. The plaintiff also has submitted an application to proceed *in forma pauperis*.

The plaintiff is a prisoner in the Northwest Correctional Complex (NWCX) in Tiptonville, Tennessee. It appears from his application that he lacks sufficient financial resources to pay the filing fee. Therefore, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk will **FILE** the complaint *in forma pauperis*. 28 U.S.C. § 1915(a).

The plaintiff is herewith assessed the civil filing fee of three hundred fifty dollars (\$350.00). Pursuant to 28 U.S.C. §§ 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust fund account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial payment, whichever is the greater of:

- (a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust fund account; **or**
- (b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust fund account for the prior six (6) months

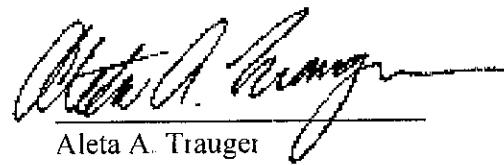
Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income, or income credited to the plaintiff's inmate trust fund account for the preceding month, but

only when his monthly income exceeds ten dollars (\$10.00). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a) 28 U.S.C. § 1915(b)(2).

As provided in the memorandum entered contemporaneously herewith, the plaintiff's claims arising in the Middle District of Tennessee are **DISMISSED** as frivolous 28 U.S.C. §§ 1915(e)(2)(B)(i); 1915A(b)(1). The plaintiffs' request to be transferred to the DeBerry Special Needs Facility in Nashville is **DENIED**.

The Clerk is hereby directed to **TRANSFER** the plaintiffs' remaining claims to United States District Court for the Western District of Tennessee, Eastern Division in Jackson. 28 U.S.C. §§ 123(c)(1); 1404(a) The Clerk is further **DIRECTED** to send a copy of this Order to the Warden at NWCX to ensure that the custodian of the plaintiffs' inmate trust fund accounts complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees.

It is so **ORDERED**.



Aleta A. Trauger  
United States District Judge